

Serial No. : 09/704,379
Docket No. : 10655.7600

REMARKS

Applicants reply to the Office Action dated October 17, 2005 within the shortened three-month statutory period for reply. Claims 2-10, 15, 16, 19, 21-25, 38 and 53-64 were pending in the application and the Examiner rejects claims 2-10, 15, 16, 19, 21-25, 38 and 53-64. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Claims Rejected under 35 U.S.C. § 112

The Examiner rejects claims 2-10, 15, 16, 19, 21-25, 38, 53-58 and 61-64 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

In making the rejection, the Examiner alleges that the independent claims are “indefinite because various process steps recited do not functionally correlate to each other” (page 3, item 6). Applicants have amended independent claims 6, 25, 38, and 57 to more clearly interrelate the disclosed steps. In particular, as requested by the Examiner, the claims have been amended such that the shipping agent includes a functional relationship to the financial transaction elements (*see*, Specification page 21, line 19 – page 22, line 23 and FIG. 3). Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims Rejected under 35 U.S.C. § 103

The Examiner rejects claims 2-10, 15, 16, 19, 21-25, 38, 53-58, and 61-64 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al., U.S. Patent No. 5,794,207 (“Walker”) in view of Shavit et al, U.S. Patent No. 4,799,156 (“Shavit”). Applicants respectfully traverse this rejection.

In making the rejection, the Examiner states that “Walker fails to teach the step of providing a shipping agent configured to provide goods, services, and other items of value from said second party to said first party” (page 5, paragraph 15). However, the Examiner relies on the disclosure of Shavit to teach these elements. Applicants respectfully disagree.

Shavit teaches “a system for interactive communications and processing of business transactions between a plurality of types of users within at least one industry including ...freight carrier services.” Shavit, col. 1, lines 7-12. Particularly, Shavit discloses communication and processing of “business transactions between a plurality of different types of independent users including a plurality of buyers, as well as financial institutions, and freight service providers.”

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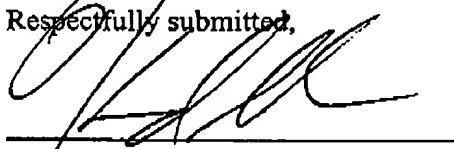
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Shavit, Abstract (emphasis added). Furthermore, "Subscribers [to the system] may include such market participants as ...freight service provider" Shavit, col. 6, lines 9-15 (emphasis added). Therefore, in Shavit, freight service providers are independent users and/or subscribers to Shavit's system. In other words, the Shavit freight service providers are parties to the transaction that may send requests and transaction information to the Shavit system, so the Shavit freight service providers are not shipping agents for the parties with a functional relationship to the financial transaction elements. Therefore, Walker, Shavit, nor any combination thereof, fails to teach or suggest at least "providing a shipping agent associated with said transaction mechanism, said shipping agent . . . causing said item to be delivered to said first party after said funds are credited to said second financial account," as similarly recited in amended independent claims 6, 25, 38, and 57.

Claims 2-5, 7-10, 15-16, 21-24, 53-56, and 58 variously depend from independent claims 6, 25, 38, and 57. As such, dependent claims 2-5, 7-10, 15-16, 21-24, 53-56, and 58 are differentiated from the cited references for at least the reasons set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,



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